REMARKS

Claims 13-22 and 25 are all the claims pending in the application. Claims 13 and 25 are independent claims.

Claim Rejections Under 35 U.S.C. § 102

Claims 13 and 21-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kenifick (US 2,175,962).

Claims 13-16, 18, 21 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Williams (US 5,042,119). Claim 25 is rejected under 35 U.S.C. § 102(b) as being anticipated by Williams.

Claims 13-15 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kleinmann (US 6,338,186). Claim 25 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kleinmann.

Claim 13

Amended claim 13 recites that:

(a) the band has a length and a width, said length being greater in size than said width, said width being smaller than the length of the shoe,

(b) a central flat part comprises the series of orifices, and

(c) and that the band presents:

(1) an open position where *the length of the device is disposed perpendicular to an axial direction of said shoe*, when said device is placed on said shoe,

(2) a closed position wherein the length of the left-hand end and the right-hand end are folded in an overlapping position one onto each other to form a sheath that is

fixed to said shoe by said mutual fixing means, and wherein *the band only partially covers the loops of the knot of said lace when the lace is knotted by the sheath*, which has a perimeter smaller than said length of the band (i.e., parts of the band are overlapped to form the sheath), and

(3) a fixed position where the device is attached to the shoe through the central flat part, said fixed position being reachable when the band is in the open position and in the closed position.

This amendment is supported at least by the exemplary embodiment shown in FIGS. 1-5. For example, as discussed at page 9 of the original specification, the band 1 is fixed to the lace 3 in both the open position (FIGS. 1 and 3) and the closed position (FIGS. 2 and 4).

Applicant respectfully traverses the rejections of claim 13 at least because none of these applied references meets all of the claim's recitations.

Kenifick:

Indeed, the device of Kenifick only contains two articulated (hinged) portions that could be a left hand and a right hand portion (even if they are not) but it does not contain a central flat part.

Further, in amended claim 13, the length of the device has been further explained with respect to the width of the device *as well as to the length of the tongue of the shoe*. That is, claim 13 recites a device that has an open position where the length of the device is transversal with respect to the length of the tongue of the shoe, when the device is placed on the shoe.

On contrast, Kenifick discloses a device having an open position where the length of the device is parallel with respect to the length of the tongue of the shoe.

Moreover, claim 13 recites that, in the closed position, the left hand and right hand ends are overlapped *by forming a sheath having a perimeter smaller than the length of the band.*

In contrast, according to Kenifick, in the closed position, the hinged portions are folded down and fixed together. The kind of sheath formed has a perimeter *equal to the length of the band because there is neither overlapped end portion nor a central flat portion.*

The fact that the device of claim 13 includes a central flat part allows the device to be put anywhere on the front portion. In contrast, Kenifick's device can only be fixed on the top of the tongue of the shoe thereby needing the user to strictly adjust the tongue and the location of the device for it to coincide with the location of the knot. This step can be very difficult for young children.

The fact that the device of claim 13 includes an open position allows the user to easily see the device when he knots the lace and also allows better access for knotting the lace. In contrast, according to Kenifick, the top end portion prevents the user for seeing what he does when knotting the lace and creates an obstacle when moving the user's hand when this latter knots the laces.

The fact that the device of claim 13 includes a closed position allows the user to easily close the device since, compared with Kenifick, there is no need to precisely adjust the position of the left-hand and right-hand ends since a single overlapping is enough to close the device.

Further, because the device of claim 13 includes both an open position and a closed position, the closing is easily done with the left-hand end in the left hand and the right-hand end in the right hand.

In contrast, in Kenifick, the user has to clamp the top portion onto the bottom portion precisely for performing the clamp that is in a position where it is difficult to see what the user does. Because the user's feet are far away from their eyes and Kenifick's clamping is orientated backwards, the closing is not easily visible for the user having his eyes at the other side.

Finally, the device of Kenifick is not inherently capable of covering the loops. Although it's inherently capable of covering a flat portion of a lace but not the loops. The device of Kenifick has to be closed by folding downwards thereby not being able to cover loops that are generally placed vertically on the tongue of a shoe. That is, loops can only be covered by folding a right hand end down a left hand end or the contrary.

Thus, for the reasons discussed above, Applicant respectfully submits that Kenifick does not disclose all of the claim's recitations.

Williams:

The device according to Williams also cannot meet all of the claim's recitations.

While claim 13 recites that, in the closed position, *the band only partially covers the loops of the knot of said lace when the lace is knotted by the sheath.* Since the lace is only partially covered, the user can further keep the laces in his/her hands when closing the device to render the closing easier.

In contrast, Williams does not disclose this configuration since the sheath of Williams *completely covers* the loops of the knot of the laces. That is, according to Williams, the lace should firstly be entrapped onto the central portion before closing and as soon as the first portion is folded down; the laces are no longer accessible for keeping them in place.

As such, the device of claim 13 keeps the freedom of movement of the foot and is adaptable for different kinds of shoes. In contrast, according to Williams, the sheath formed is strongly rigid and can not be placed on other shoes than sport shoes.

Further, the closing of the device according to Williams is also more difficult than the closing of the device according to claim 13 because, according to Williams, the user needs to completely put the lace inside the sheath before closing and no lace portion can be put outside to avoid a bad closing of the device.

Thus, for the reasons discussed above, Applicant respectfully submits that Williams does not disclose all of the claim's recitations.

Kleinmann

The device according to Williams also cannot meet all of the claim's recitations.

As an initial matter, the device according to Kleinmann is not in the form of a band but is instead of merely that of a tube (see Abstract).

Moreover, according to Kleinmann, there is no central flat part that comprises a series of orifices for the lace to pass through. Although the Examiner asserts that the device according to Kleinmann can be flattened or ovalized (looking to column 4- FIG. 11); Kleinmann merely discloses that the device can be ovalized, i.e. slightly flattened, but it can never flat or a band.

Therefore the closing is not so easy and accessibility for hands and vision is not so high. For this reason, as can be seen in FIG. 11 of Kleinmann, the placing of the loops in the device before closing will not be very easy and surely cannot be done by a child. When the device has to be closed, the user should maintain the loops within the first portion and find the closure system which is very small and precise. Therefore the user would be lucky to do this since his hand for maintaining the loop will prevent a good vision for the closure.

Moreover, claim 13 recites that, in the closed position, the sheath has a perimeter smaller than said length of the band (i.e., parts of the band are overlapped to form the sheath). In contrast, the ends of Kleinmann are not folded in an overlapping position one onto each other, thereby not forming a sheath having a perimeter smaller than said length of the band.

For this reason, the closing of Kleinmann's device requires adjustment steps that are difficult to do, for example by a young child, because the device is really small and, when closing the device, the user has to put his hands on the device thereby preventing the user to see anything he does. Further, the lace has to be previously put in the first curved portion that is quite rigid and the laces will probably jump outside this first curved portion each time since the volume occupied by the lace is greater than the volume of the first curved portion, thereby rendering the closing of the device a harder work.

The overlapped portion of claim 13 solves this problem by rendering the device according to the invention easy to close.

Further, according to Kleinmann, the device can stay in place when the wearer removes the shoe. However, because of the adjusted nature of the closing, the wearer has to pay attention

to the location of the device to coincide with the loop position since a bad location will not provide space enough for the lace to be entrapped within the device.

Finally, Kleinmann does not teach that the mutual fixing means are mutual self-gripping means, and this can not be the case since the closing of Kleinmann is adjusted and very precise. There is clearly no place to provide easy to close self-gripping means.

Thus, for the reasons discussed above, Applicant respectfully submits that Kleinmann does not disclose all of the claim's recitations.

Applicant respectfully requests the Examiner to withdraw the rejections of claim 1.

Claim 25

With respect to independent claim 25, Applicant respectfully submits that this claim is patentable at least for the reasons discussed above with respect to claim 1.

Moreover, claim 25 is a combination claim that recites a combination of both a device for preventing the laces from coming undone and the shoe. Therefore, the Examiner must give full patentable weight to the recited structural relationship between the device and shoe.

Dependent Claims

Applicant respectfully requests the Examiner to withdraw the rejections of dependent claims 14-16, 18, and 20-24 at least because of their dependency from claim 1.

Claim Rejections Under 35 U.S.C. § 102

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams and Kleinmann.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Kleinmann or Kenifick.

Applicant respectfully requests the Examiner to withdraw the rejections of dependent claims 17 and 19 at least because of their dependency from claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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